

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
v.)	
)	05-11609-WGY
HEMCHANDRA TIWARI)	
Defendant,)	
)	
<i>and</i>)	
)	
EASTERN BANK)	
Garnishee.)	

APPLICATION FOR WRIT OF GARNISHMENT

The United States of America, plaintiff, makes this application in accordance with 28 U.S.C. § 3205 to the Clerk of the United States District Court to issue a Writ of Garnishment upon the judgment entered against the Defendant, Hemchandra Tiwari (hereinafter "Tiwari"), social security number 000-00-0433, whose last known address is in Burlington, MA in the above cited action in the amount of \$78,452.86, plus costs and post-judgment interest at the rate of 4.6 percent per annum and compounded annually. The total balance as of February 26, 2007 is \$81,618.32.

Demand for payment of the above-stated debt was made upon the debtor not less than 30 days from the date of this Application, and debtor has failed to satisfy the debt.

The Garnishee is believed to owe or be in possession of money owed to the judgment debtor. This Writ of Garnishment is intended to compel the Garnishee to pay to the United States all monies held on behalf of defendant.

The name and address of the Garnishee or his authorized agent is:

EASTERN BANK
Lynn, MA

Based upon the foregoing, the United States respectfully requests the Court to enter an Order directing the Clerk of the United States District Court to issue a Writ of Garnishment.

Respectfully submitted,

UNITED STATES OF AMERICA
By its attorneys

MICHAEL J. SULLIVAN
United States Attorney

By:

/s/ Christopher R. Donato
CHRISTOPHER R. DONATO
Assistant U.S. Attorney
1 Courthouse Way, Suite 9200
Boston, MA 02210

DATED: February 26, 2007

IT IS, on this _____ day of _____, 200__.

ALLOWED, that the Clerk of the Court shall issue the Writ of Garnishment.

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EASTERN BANK)	
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CLERK'S NOTICE OF POST-JUDGMENT GARNISHMENT

TO: HEMCHANDRA TIWARI

You are hereby notified that non-exempt accounts are being taken by the United States of America which has a judgment in the sum of \$78,452.86. As of February 26, 2007, a balance of \$81,618.32 remains outstanding.

Also, you are hereby notified that there are exemptions under the law which may protect some of the property from being taken by the Government if you can show that the exemptions apply. Attached is a summary of the major exemptions that apply in Massachusetts.

You have a right to ask the court to return your property to you if you think you do not owe the money to the Government that it says you do, or if you think the property the Government is taking qualifies under one of the above exemptions.

If you want a hearing, you must notify the court within 20 days after receipt of the notice. Your request must be in writing. You must either mail it or deliver it in person to the Clerk of the United States District Court, 1 Courthouse Way, Suite 2300, Boston, MA 02210. You must

also send a copy of your request to the United States Attorney's Office, Financial Litigation Unit located at One Courthouse Way, Suite 9200, Boston, MA 02210, so the Government will know you want a hearing.

The hearing will take place within 5 days after the Clerk receives your request, if you ask for it to take place that quickly, or as soon after that as possible.

At the hearing you may explain to the judge why you think you do not owe the money to the Government. If you do not request a hearing within 20 days of receiving this notice, your property may be sold at public auction and the proceeds of the sale paid on the debt you owe the Government.

If you think you live outside the Federal judicial district in which the court is located, you may request, not later than 20 days after you receive this notice, that this proceeding to take your property be transferred by the court to the Federal judicial district in which you reside. You must make your request in writing, and either mail it or deliver it in person to the Clerk of the United States District Court. You must also send a copy of your request to the United States Attorney's Office - Financial Litigation Unit, so the Government will know you want the proceeding to be transferred.

Be sure to keep a copy of this notice for your own records. If you have any questions about your rights or about this procedure, you should contact a lawyer, an office of public legal assistance, or the clerk of the court. The clerk is not permitted to give legal advice, but can refer you to other sources of information.

CLERK, UNITED STATES DISTRICT COURT

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WRIT OF GARNISHMENT

GREETINGS TO: EASTERN BANK
Lynn, MA

An application for a Writ of Garnishment against the property of the defendant, Hemchandra Tiwari (hereinafter "Tiwari"), has been filed with this Court. A Judgment has been entered against the above-named defendant in the amount of \$78,452.86, plus costs and interest.

You are required by law to answer in writing, under oath, within ten (10) days, whether or not you have in your custody, control or possession, any property owned by the debtor, including non-exempt, disposable earnings.

You must file the original written answer to this writ within ten (10) days of your receipt of this writ with the Clerk of the United States District at: 1 Courthouse Way, Suite 2300, Boston, MA 02210. Additionally, you are required by law to serve a copy of this writ upon the defendant at: Hemchandra Tiwari located in Burlington, MA; and upon the United States Attorney's Office, Financial Litigation Unit, One Courthouse Way, Suite 9200, Boston, MA 02210.

Under the law, there is property which is exempt from this writ of Garnishment. Property which is exempt and which is not subject to this order is listed on the attached Claim for Exemption form.

If you fail to answer this writ or withhold property in accordance with this writ, the United States of America may petition the Court for an order requiring you to appear before the Court. If you fail to appear or do appear and fail to show good cause why you failed to comply with this writ, the Court may enter a judgment against you for the value of the debtor's non-exempt property. It is unlawful to pay or deliver to the defendant any item attached by this writ.

SARAH A. THORNTON
Clerk, United States District Court

By:

Deputy Clerk

DATED:

UNITED STATES DISTRICT COURT
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NOTICE OF GARNISHMENT AND INSTRUCTIONS

TO: HEMCHANDRA TIWARI

YOU ARE HEREBY NOTIFIED that a Garnishment was issued based upon a judgment entered against you on February 9, 2006, and the Garnishment was served on the Garnishee, Eastern Bank, and it is believed that the Garnishee may have property of yours in their custody, possession or control.

YOU ARE FURTHER NOTIFIED that, unless within twenty (20) days from the date of receipt of the Answer of the Garnishee, you file a written objection to explain why you think these funds are exempt from execution under state or federal law and request a hearing, a Court Order will be entered attaching the funds or property to be applied against the judgment owed the United States of America.

Any objection that you file to contest the garnishment must be filed in the office of the Clerk of the United States District Court, One Courthouse Way, Suite 2300, Boston, MA 02210. The objection must state your reasons for believing that this property is not subject to attachment by the United States of America. A copy of the objection or other pleadings must also be served

on Christopher R. Donato, Assistant U.S. Attorney, Financial Litigation Unit, One Courthouse Way, Suite 9200, Boston, MA 02210.

YOU MAY WISH TO CONSULT A LAWYER FOR ADVICE AS TO THE MEANING OF THIS NOTICE.

UNITED STATES OF AMERICA
By its attorneys

MICHAEL J. SULLIVAN
United States Attorney

By:

/s/ Christopher R. Donato
CHRISTOPHER R. DONATO
Assistant U.S. Attorney
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3303

Dated: February 26, 2007